

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: RICHARD S. WESORICK TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP. 526 SUPERIOR AVENUE SUITE 1111 CLEVELAND, OH 44114	<b>RECEIVED</b>  <b>MAY 23 2005</b>  <small>TAROLLI, SUNDHEIM COVELL &amp; TUMMINO LLP.</small>
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Applicant's or agent's file reference CCF-6566PCT	<b>ENTERED</b> <i>&lt;CP-6566PCT</i>
International application No. PCT/US04/12882	International filing date (day/month/year) 27 April 2004 (27.04.2004)
Applicant THE CLEVELAND CLINIC FOUNDATION	

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)	
<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
 When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
 Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35  
 For more detailed instructions, see the notes on the accompanying sheet.
2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
  - the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

#### 4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Jehanne S. Sitton Telephone No. 571-272-0500
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Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

FILE NO:CCF-6566PCATTY:RSW  
 DUE DATE:07-19-2005 ( 20050719 )  
 CLEVELAND CLINI/INIT:( 20050519 )  
 ACTION:10 RES PER:2 M DK1  
 RESP. TO WRITTEN OPINION / 1053

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**



## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

<p>To:          RICHARD S. WESORICK          TAROLLI, SUNDHEIM, COVELL &amp; TUMMINO L.L.P.          526 SUPERIOR AVENUE          SUITE 1111          CLEVELAND, OH 44114</p>	<b>PCT</b>
<b>19 MAY 2005</b>	
<p>Applicant's or agent's file reference          CCF-6566PCT</p>	<p>Date of mailing          (day/month/year)</p>
<p>International application No.          PCT/US04/12882</p>	<p>FOR FURTHER ACTION See paragraphs 1 and 4 below</p>
<p>International filing date          (day/month/year) 27 April 2004 (27.04.2004)</p>	
<p>Applicant          THE CLEVELAND CLINIC FOUNDATION</p>	

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<p>Name and mailing address of the ISA/ US          Mail Stop PCT, Attn: ISA/US          Commissioner for Patents          P.O. Box 1450          Alexandria, Virginia 22313-1450          Facsimile No. (703) 305-3230</p>	<p>Authorized officer            Jehanne S. Sitton          Telephone No. 571-272-0500</p>
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PATENT COOPERATION TREATY

**PCT**

**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CCF-6566PCT	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/12882	International filing date ( <i>day/month/year</i> ) 27 April 2004 (27.04.2004)	(Earliest) Priority Date ( <i>day/month/year</i> ) 29 April 2003 (29.04.2003)
Applicant THE CLEVELAND CLINIC FOUNDATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b.  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2.  Certain claims were found unsearchable (See Box No. II)

3.  Unity of invention is lacking (See Box No. III)

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b.  none of the figures is to be published with the abstract.

**INTERNATIONAL SEARCH REPORT**

International application No.  
PCT/US04/12882

Continuation of B. FIELDS SEARCHED Item 3:  
Genbank, Genseq, East, Caplus, Medline  
SEQ ID NOS 1, 3-4, 6-9; prg, gene, pcr, primer, probe, hybridization, salmonella